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Fisheries Dispute
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~~CONFIDENTIAL~~ NASSAU 1112

SUBJECT: FISHERIES DISPUTE - REVIEW

REF: NASSAU 1024 AND SUBSEQUENT

1. BACKGROUND

1. LOOKING BACK OVER DEVELOPMENTS OF THE LAST FEW WEEKS AS THE US-GOBI FISHERIES DISPUTE HAS FLARED UP, THE SALIENT POINT HAS BEEN THE CONTRAST BETWEEN OUR EFFORTS TO BE COOPERATIVE AND THE VIRTUALLY COMPLETE LACK OF GOBI/UK RECIPROCAL COOPERATION. IN FACT, WHILE WE HAVE BEEN SEEKING TO CALM THE SITUATION AT FLAMINGO CAY, THE UK AND GOBI HAVE GIVEN THE HORNET'S NEST A HEALTHY SWAT IN THE BIMINI AREA.

2. SOME CONTRASTS:

A. IN RESPONSE TO THE SEA STAR SHOOTING INCIDENT, WE DESPATCHED TWO CUTTERS AND AIRCRAFT TO THE FLAMINGO CAY AREA FOR A FOUR-DAY PATROL, WHICH APPEARS TO HAVE SUCCEEDED HANDSOMELY IN ITS PURPOSE OF CALMING A TENSE SITUATION. HOWEVER, OUR EFFORTS TO SOLICIT JOINT PATROLLING MET WITH COMPLETE REFUSAL. (NASSAU 1030 AND 1029) NOW THIS PROBLEM SEEMS TO BE BACK WITH US AGAIN (SEE NASSAU 1108), ALTHOUGH HOPEFULLY OUR COAST GUARD PATROL AND THE INTERROGATION OF THE SUSPECTS WILL HAVE SOME DETERRENT EFFECT.

B. WE HAVE OFFERED TO ATTEMPT PROSECUTION UNDER U.S. LAWS OF THE FISHERS WHO FIRED ON THE SEA STAR, BUT IT TOOK TWO WEEKS TO GET A COPY OF THE BAHAMIAN POLICE REPORT AND WHEN

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IT CAME IT WAS SO INADEQUATE WE HAD NO GROUNDS TO HOLD THE SUSPECTED VESSEL (SEE NASSAU 1030).

C. THE GOBI HAS EVIDENTLY FOUND FURTHER REASONS FOR DELAYING INDEFINITELY ANY RESPONSE TO OUR LICENSING PROPOSAL (NASSAU 1093).

D. THE JOINT UK/GOBI BIMINI SWEEP WAS CONDUCTED IN A MANNER WHICH APPEARS TO HAVE VIOLATED THE RIGHTS OF U.S. FISHERMEN UNDER TWO INTERNATIONAL CONVENTIONS (NASSAU 1103).

II. WHERE DO WE GO FROM HERE?

1. GOALS. WE HAVE TWO OBJECTIVES IN THIS SITUATION. FOR THE SHORT-TERM WE WANT TO PREVENT ESCALATION OF THIS DISPUTE, BUT IN A MANNER WHICH WILL NOT REQUIRE A MAJOR COMMITMENT OF US RESOURCES. AND FOR THE LONGER TERM WE WANT TO INDUCE THE GOBI TO COME TO A NEGOTIATED SETTLEMENT ON THE BASIS OF OUR LICENSING PROPOSAL.

2. SUGGESTED COURSES OF ACTION. IN VIEW OF THE EBUFFS WE HAVE EXPERIENCED, WE BELIEVE THESE OBJECTIVES CAN ONLY BE REALIZED THROUGH A COMBINATION OF PRESSURES WHICH WILL MAKE OUR COOPERATIVE OFFERS MORE ATTRACTIVE.

A. IN ARREST CASES WE SHOULD BE PREPARED TO ASSIST U.S. FISHERMEN, WHO DO NOT APPEAR TO HAVE BEEN IN CLEAR VIOLATION OF BAHAMIAN LAW, IN THEIR LEGAL DEFENSE. MAKING CONVICTIONS MORE DIFFICULT WILL TEND TO MAKE GOBI MORE CAREFUL IN ITS ENFORCEMENT EFFORTS. THIS WILL REQUIRE OCCASIONAL COAST GUARD AERIAL PATROLS TO WARN U.S. VESSELS WHEN GOBI POLICE ARE OUT AND TO HELP OUR FISHERMEN ESTABLISH THEIR POSITIONS ACCURATELY.

B. WE SHOULD ALSO BE PREPARED TO FOLLOW UP WITH DIPLOMATIC REPRESENTATIONS IN CASES WHERE IT CAN BE ESTABLISHED THAT THE RIGHTS OF U.S. FISHERMEN HAVE BEEN VIOLATED.

THESE PRESSURES SHOULD BE ACCOMPANIED BY INCENTIVES FOR COOPERATIVE SOLUTIONS.

C. WE SHOULD CONTINUE TO URGE THE GOBI TO ENGAGE IN JOINT PATROLLING WITH US. IF THEY AGREE, THIS WILL REQUIRE COAST GUARD SURFACE PATROLS FROM TIME TO TIME. (GOBI FINANCES ARE

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TOO LIMIED TO PERMIT CONTINUOUS, INTENSIVE PATROLS BY THEIR POLICE.) IF THERE ARE SHOOTING INCIDENTS WE SHOULD OFFER TO PROSECUTE U.S. VIOLATORS, IF THE GOBI WILL GIVE PROMPT, EFFECTIVE ASSISTANCE.

D. THROUGHOUT THIS PROCESS WE SHOULD UTILIZE PROBLEM CASES TO MAKE THE POINT THAT A NEGOTIATED AGREEMENT IS THE ONLY LONG-TERM SOLUTION TO THIS DISPUTE.

3. OTHER ALTERNATIVES

A. WE COULD, OF COURSE, JUST LET THE SITUATION RIDE. U.S. FISHERMEN WILL CONTINUE TO GET LARGE AMOUNTS OF CRAWFISH AND SOME WILL BE CAUGHT AND HEAVILY FINED AND IMPRISONED. THIS RISKS GROWING BAHAMIAN FRUSTRATION AND IRRATIONAL REACTION, AND PRESUMABLY GROWING PRESSURES ON OUR OWN SIDE FROM THE FLORIDA FISHING INDUSTRY AND THEIR REPRESENTATIVES. (SOME DAY SOME BRIGHT BOY MAY DIG OUT SECTION 620 (3)(D) OF THE FOREIGN ASSISTANCE ACT.)

B. MATTERS COULD DETERIORATE TO THE POINT WHERE WE WOULD HAVE TO PROVIDE ESCORTS FOR OUR F/VS TO ENSURE THEIR RIGHT TO FISH IN INTERNATIONAL WATERS AND TO INNOCENT PASSAGE THROUGH BAHAMIAN WATERS. THIS WOULD REQUIRE A HEAVY COMMITMENT OF RESOURCES AND SHOULD ONLY BE CONSIDERED AFTER WE FEEL THE ALTERNATIVES LISTED IN II.2 ABOVE HAVE BEEN EXHAUSTED.

III. ACTION: WOULD APPRECIATE DEPARTMENT'S REACTION TO FOREGOING. GDS.SPEAR

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